

1
2
3
4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA

6 * * *

7 DASHAUN WRIGHT,

Case No. 3:16-cv-00437-MMD-WGC

8 Plaintiff,

ORDER

9 v.

10 GONZALAS ARIAS, *et al.*,

11 Defendants.

12 After screening Plaintiff's complaint pursuant to 28 U.S.C. § 1915A, the Court
13 permitted Plaintiff to proceed with part of Count III, dismissed Count II with prejudice and
14 dismissed Counts I and part of Count III without prejudice and with leave to amend. (ECF
15 No. 4.) This case then proceeded only on part of Count III alleging a violation of Plaintiff's
16 First Amendment right to send mail because Plaintiff failed to file an amended complaint
17 within the thirty-day time established by the Court. (ECF No. 6.) Plaintiff now asks the
18 Court to dismiss this remaining claim in Count III because he has elected not to pursue
19 this claim, but to pursue his appellate rights with respect to the Court's dismissal of his
20 other claims. (ECF No. 15.)

21 Fed. R. Civ. P. 41(a)(1)(i) provides for a plaintiff to dismiss a court action without a
22 court order before the opposing parties serve their response. Accordingly, Plaintiff's
23 motion to dismiss (ECF No. 15) is granted. Plaintiff's remaining claim as alleged in Count
24 III is dismissed.

25 The Clerk is directed to close this case.

26 DATED THIS 1st day of August 2017.

27
28 
MIRANDA M. DU
UNITED STATES DISTRICT JUDGE